

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
MAY 27, 2014

Pursuant to due call and notice thereof, the second meeting of the City Council of the City of La Crescent for the month of May was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Tuesday, May 27, 2014, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Bernie Buehler, John Graf, Greg Husmann, Dale Williams, and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller and City Attorney Skip Wieser.

Mayor Poellinger asked if anyone wished to take action to change the agenda as presented. There were no changes requested.

ITEM 1 – CONSENT AGENDA

At this time, the Mayor read the following items to be considered as part of the Consent Agenda, including additional bills, for this regular meeting:

- 1.1 MINUTES – MAY 12, 2014
- 1.2 MINUTES – MAY 15, 2014
- 1.3 BILLS PAYABLE THROUGH MAY 21, 2014
- 1.4 CASH BALANCE/ACTIVITY REPORT – MARCH 2014
- 1.5 LIBRARY REPORT – MARCH 2014
- 1.6 CASH BALANCE/ACTIVITY REPORT – APRIL 2014
- 1.7 LIBRARY REPORT – APRIL 2014

At the conclusion of the reading of the Consent Agenda, Mayor Poellinger asked if the Council wished to have any of the items removed from the Consent Agenda for further discussion. Member Williams made a motion, seconded by Member Buehler, as follows:

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.1 – CITY COUNCIL RULES REVIEW

City Attorney Wieser reviewed with Council Resolution No. 02-12-03 which establishes rules for the organization and procedure of the City Council. Attorney Wieser addressed Section 4 regarding placing items on the agenda in advance. Following discussion, Member Husmann made a motion, seconded by Member Graf, as follows:

MOTION TO APPROVE THE FOLLOWING LANGUAGE BE INCLUDED IN SECTION 4, SUBD. 3 OF RESOLUTION 02-12-03: “NO ITEM OF BUSINESS SHALL BE CONSIDERED UNLESS IT APPEARS ON THE AGENDA FOR THE MEETING OR IS APPROVED FOR ADDITION TO THE AGENDA BY UNANIMOUS CONSENT OF THE COUNCIL MEMBERS PRESENT, UNLESS EXTRAORDINARY CIRCUMSTANCES EXIST.”

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.2 – BUSINESS IN RESIDENTIAL AREAS

City Attorney Wieser reviewed with City Council the exiting Ordinance regarding regulating transient merchants in the City. The Chief of Police has reviewed the current situation regarding plants being sold at a residential home and is of the opinion that no violation of the existing Ordinance is taking place. It is the City Attorney’s concern that the Ordinance as it exists has not been applied uniformly and that an amendment to the existing Ordinance be prepared with the intent to restrict or limit retail sales activity in residential districts. Following discussion, it was the consensus of Council to refer this to the Planning Commission for review and recommendation. No action taken.

ITEM 3.3 – REVIEW MAY 15 SPECIAL CITY COUNCIL MEETING

City Council reviewed the agenda from the Special City Council Meeting that was held on May 15, 2014. No action taken.

ITEM 3.4 – 2014 LOCAL STREET IMPROVEMENT BID RESULTS

City Council reviewed an informational memo previously presented regarding the 2014 local street improvement project and City Administrator Waller gave an overview. The City received a bid of \$154,861.58 from Mathy Construction for the improvement project. There are funds in the 2014 general fund budget for this expenditure. It was recommended to Council to accept the bid submitted by Mathy Construction. Following discussion, Member Graf made a motion, seconded by Member Husmann, as follows:

MOTION TO ACCEPT THE BID FROM MATHY CONSTRUCTION OF \$154,861.58 FOR THE 2014 LOCAL STREET IMPROVEMENT PROJECT.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.5 – MONTE CARLO ROAD OPTION

City Attorney Wieser reviewed with City Council a proposed Offer to Purchase regarding the Monte Carlo Road. The purpose of the property is for continuation of Phase 2 of the Wagon Wheel Project. It is currently contemplated that this real property would be utilized for a bike trail. Following discussion, Member Husmann made a motion, seconded by Member Buehler, as follows:

MOTION TO AUTHORIZE AND APPROVE THE COMMERCIAL PURCHASE AGREEMENT AND ADDENDUM AS PRESENTED FOR THE MONTE CARLO ROAD PROPERTY IN THE AMOUNT OF \$28,000.00 AND TO AMEND THE GENERAL FUND BUDGET FOR THIS PURCHASE.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.6 – LODGING ORDINANCE AMENDMENT

City Attorney Wieser gave an overview to City Council of proposed Ordinance No. 487 which repeals and amends the existing Ordinance No. 471. Ordinance No. 471 established a lodging tax in the City of La Crescent and when presented in 2011 there was contemplated a hotel development within the City. To date, that has not taken place. There is currently contemplated a bed and breakfast. In order for the bed and breakfast not to be subject to the tax, the definition of the word “lodging” is proposed to be amended. Following discussion of the proposed changes and amendment, Member Buehler introduced the following Ordinance and moved its passage and adoption:

ORDINANCE NO. 487

LODGING TAX

The City Council of La Crescent ordains:

Section 1. Ordinance No. 471 adopted on August 8, 2011 and titled "LODGING TAX" is amended to read:

SECTION 1. Definitions: Unless the language or context clearly indicates that a different meaning is intended, the following words, for the purpose of this ordinance, shall have the following meanings and inclusions:

1. "City" means the City of La Crescent, Minnesota, acting by or through its duly authorized representative.
2. "Lodging" means the furnishing for a consideration of lodging at a hotel or motel
3. "Operator" means any person who has charge, care, or control of a building in the City, or part thereof, in which dwelling units or rooming units are let.
4. "Person" includes all firms, partnerships, associations, corporations, and natural persons.
5. "Rent" means the total consideration valued in money charged for lodging whether paid in money or otherwise, but shall not include any charges for services rendered in connection with furnishing lodging other than the room charge itself.
6. "Lodger" means the person obtaining lodging from an operator.

SECTION 2. Imposition of Tax. Pursuant to Minnesota Statutes, Chapter 469.190, there is hereby imposed a tax of three percent (3%) on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt owed by the operator to the City and shall be extinguished only by payment to the City. In no case shall the tax imposed by this section upon an operator exceed the amount of tax which the operator is authorized and required by this ordinance to collect from a lodger.

SECTION 3. Collections. Each operator shall collect the tax imposed by this section at the time the rent is paid. The tax collection shall be deemed to be held in trust by the operator for the City. The amount of tax shall be separately stated from the rent charged for the lodging and those persons paying the tax shall receive a receipt of payment from the operator.

SECTION 4. Exemptions. An exemption shall be granted to any person as to whom or whose occupancy it is beyond the power of the City to tax. No exemption shall be granted except upon a claim therefore made at the time the rent is collected and such a claim shall be made in writing and under penalty of perjury on forms provided by the City. All such claims shall be forwarded to the City when the returns and collections are submitted as required by this Chapter.

SECTION 5. Advertising No Tax. It shall be unlawful for any operator to advertise or hold out or state to the public or any customer, directly or indirectly, that the tax or any part hereof will be assumed or absorbed

by the operator, or that it will not be added to the rent or that, if added, it or any part thereof will be refunded. In computing the tax to be collected, amounts of tax less than one cent shall be considered an additional cent.

SECTION 6. Payments and Returns. The taxes imposed by this ordinance shall be paid by the operator to the City monthly not later than twenty (20) days after the end of the month in which the taxes were collected. At the time of payment, the operator shall submit a return upon such forms and continuing such information as the City may require. The return shall contain the following minimum information:

- a. The total amount of rent collected for lodging during the period covered by the return.
- b. The amount of tax required to be collected and due for the period.
- c. The signature of the person filing the return or that of his agent duly authorized in writing.
- d. The period covered by the return.
- e. The amount of uncollectible rental charges subject to the lodging tax.

The operator may offset against the taxes payable with respect to any reporting period, the amount of taxes imposed by this ordinance previously paid as a result of any transaction the consideration for which became uncollectible.

SECTION 7. Examination of Return, Adjustments, Notices, and Demands. The City shall, after a return is filed, examine the same and make any investigation or examination of the records and accounts of the person making the return deemed necessary for determining its correctness. The tax computed on the basis of such examination shall be the tax to be paid. If the tax due is found to be greater than that paid, such excess shall be paid to the City within ten days after receipt of a notice thereof given either personally or sent by registered mail to the address shown on the return. If the tax paid is greater than the tax found to be due, the excess shall be refunded to the person who paid the tax to the City within ten (10) days after determination of such refund.

SECTION 8. Refunds. Any person may apply to the City for a refund of taxes paid for a prescribed period in excess of the amount legally due for that period, provided that no application for refund shall be considered unless filed within one (1) year after such tax was paid, or within one (1) year from the filing of the return, whichever period is the longer. The City shall examine the claim and make and file written findings whereon denying or allowing the claim in whole or in part and shall mail a notice thereof by registered mail to such person at the address stated upon the return. If such claim is allowed in whole or in part, the City shall credit the amount of the allowance against any taxes due under this ordinance from the claimant and the balance of said allowance, if any, shall be paid by the City to the claimant.

SECTION 9. Failure to File a Return.

Subd. 1. If any operator required by this ordinance to file a return shall fail to do so within the time prescribed or shall make, willfully or otherwise, an incorrect, false, or fraudulent return, the operator shall, upon written notice and demand, file such return or corrected return within ten (10) days of receipt of such written notice and shall at the same time pay any tax due on the basis thereof. If such person shall fail to file such return or corrected return, the City shall make a return or corrected return for such person based upon such knowledge

and information as the City can obtain, and assess a tax on the basis thereof, which tax (less any payments theretofore made on account of the tax for the taxable period covered by such return) shall be paid within ten (10) days of the receipt of written notice and demand for such payment. Any such return or assessment made by the City shall be prima facie correct and valid, and the burden of proving to the contrary rests with any person in any action or proceeding in respect thereto.

Subd. 2. If any portion of a tax imposed by this ordinance, including penalties thereon, is not paid within thirty (30) days after it is required to be paid, the City may institute such legal action as may be necessary to cover the amount due plus interest, penalties, the costs and disbursements of any action.

Subd. 3. Upon a showing of good cause, the City may grant an operator one thirty (30) day extension of time within which to file a return and make payment of taxes as required by this ordinance provided that interest during such period of extension shall be added to the taxes due at the rate of eight (8) percent per annum.

SECTION 10. Penalties.

Subd. 1. If any tax imposed by this ordinance is not paid within the time herein specified for the payment, or an extension thereof, there shall be added thereto a specific penalty equal to ten (10) percent of the amount remaining unpaid.

Subd. 2. In case of any failure to make and file a return within the time prescribed by this ordinance, unless it is shown that such failure is not due to willful neglect, there shall be added to the tax in addition the penalty provided in Subdivision 1 above, a penalty of five (5) percent for each thirty (30) day period or fraction thereof during which such failure continues, not exceeding twenty-five (25) percent in the aggregate. There shall be a minimum penalty assessed of ten (10) dollars if penalties in the aggregate do not exceed that amount. The amount so added to any tax shall be collected at the same time and in the same manner and as part of the tax unless the tax has been paid before the discovery of the negligence, in which case the amount so added shall be collected in the same manner as the tax.

Subd. 3. If any person willfully fails to file any return or makes any payment required by this ordinance, or willfully files a false or fraudulent return or willfully attempts in any manner to evade or defeat any such tax or payment thereof, there shall also be imposed as a penalty an amount equal to fifty (50) percent of any tax (less any amounts paid on the basis of such false or fraudulent return) found due for the period to which such return related. The penalty imposed by this section shall be collected as part of the tax, and shall be in addition to any other penalties provided by this ordinance.

Subd. 4. All payments received shall be credited first to penalties, next to interest, and then to the tax due.

Subd. 5. The amount of tax not timely paid, together with any penalty provided by this section, shall bear interest at the rate of eight (8) percent per annum from the time such tax should have been paid until payment is made. Any interest and penalty shall be added to the tax and be collected as part thereof.

SECTION 11. Administration of Tax. The City shall administer and enforce the assessment and collection of the taxes imposed by this ordinance. The City shall cause to be prepared blank forms for the returns and other documents required by this ordinance and shall distribute the same throughout the City. Failure to receive or secure such forms and documents shall not relieve any person from any obligation required of him under this ordinance.

SECTION 12. Examine Records. Persons acting on behalf of the City and authorized in writing by the City may examine the books, papers, and records of any operator in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax as provided in this ordinance. Every such operator is directed and required to give to the City the means, facilities, and opportunity for such examinations and investigations as are hereby authorized.

SECTION 13. Violations. Any person who shall willfully fail to make a return by this ordinance, or who shall fail to pay the tax after written demand for payment, or who shall fail to remit the taxes collected or any penalty or interest imposed by this ordinance after written demand for such payment, or who shall refuse to permit the City's authorized agents to examine the books, records, and papers under his control, or who shall willfully make any incomplete, false, or fraudulent return shall be guilty of a misdemeanor.

SECTION 14. Use of Proceeds. Ninety-five (95) percent of the proceeds obtained from the collection of taxes pursuant to this ordinance shall be used in accordance with Minnesota Statutes Section 469.190 as the same may be amended from time to time to fund a Convention & Visitors Bureau for the purpose of marketing and promoting La Crescent city as a tourist center. The City may use up to five (5) percent of the proceeds obtained hereunder to defray the costs and expenses of collection and administration of such tax.

SECTION 15. Appeals.

Subd. 1. Any operator aggrieved by any notice, order, or determination made by the City under this ordinance may file a petition for review of such notice, order, or determination. The petition shall contain the name of petitioner, the petitioner's address, and the location of the lodging subject to the notice, order, or determination.

Subd. 2. The petition for review shall be filed with the City within ten (10) days after the notice, order, or determination for which review is sought has been mailed to or served upon the person requesting review.

Subd. 3. Upon receipt of the petition, the City Administrator/Clerk shall set a date for a hearing and give the petitioner at least ten (10) days prior written notice of the date, time, and place of the hearing.

Subd. 4. At the hearing, the petitioner shall be given an opportunity to show cause why the notice, order, or determination should be modified or withdrawn.

Subd. 5. The hearing shall be conducted by the City Administrator/Clerk or his authorized agent, and he shall make written findings of fact and conclusions based upon the applicable section of this ordinance and the evidence presented. The person conducting the hearing may affirm, reverse, or modify the notice, order or determination made by the City.

Subd. 6. Any decision rendered by the City pursuant to this section may be appealed to the City Council. A petitioner seeking to appeal a decision must file a written notice of appeal with the City within ten (10) days after the decision has been mailed to the petitioner.

The matter will thereupon be placed on the Council agenda as soon as is practical. The Council shall then review the findings of fact and conclusions to determine whether they were correct. Upon a determination

by the Council that the findings and conclusions were incorrect, the Council may modify, reverse, or affirm the decision of the City Administrator/Clerk or authorized agent under the same standards as set forth in Section

SECTION 16. Repeal. Ordinance No. 471, an ordinance providing for lodging tax dated August 8, 2011, is hereby repealed upon this ordinance becoming effective.

SECTION 17. This ordinance shall become effective from and after its passage and publication.

The foregoing ordinance was duly passed and adopted by the Council of the City of La Crescent, Minnesota at its regular meeting on May 27, 2014.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member Williams and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The ordinance was declared duly passed and adopted.

City Attorney reviewed with Council the Summary Ordinance for publication. The Council made the following findings of facts: that publication of the summary informs the public of the intent and effect of the Ordinance.

Member Williams then made a motion, seconded by Member Buehler as follows:

MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 487 BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY AND WITH “OFFICIAL COPY” SO MARKED BE KEPT ON FILE IN THE OFFICE OF THE CITY ADMINISTRATOR

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.7 – LITIGATION UPDATE

City Attorney Wieser gave an overview to City Council on the litigation against the City regarding citizens who sustained sewer backup damages. No action taken.

ITEM 3.8 – WALNUT PLACE EXTENSION – ENGINEERING PROPOSAL

City Administrator Waller gave an overview to City Council regarding evaluating the feasibility and cost of extending Walnut Place to connect with Hillview Boulevard. The estimated costs for WHKS to complete this work will not exceed \$4,000.00. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

MOTION TO APPROVE THE AUTHORIZATION OF WHKS TO COMPLETE THE WORK FOR EXTENDING WALNUT PLACE TO HILLVIEW BOULEVARD WITH REQUIREMENT NOT TO EXCEED THE COST OF \$4,000.00.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.9 – TENNIS COURT PROJECT REVIEW

City Administrator Waller gave an overview to City Council on the three post tension concrete tennis courts which bid opening date if June 5, 2014. It is recommended to wait until the bids are in and then evaluate funding alternatives for reconstructing the court at Crucifixion School. No action taken.

ITEM 3.10 – POLICE OFFICER RESIGNATION

Council reviewed the May 12, 2014 letter of resignation to Chief Todd Nelson from Officer Kathryn Loken of the La Crescent Police Department. Officer Loken's last day was May 26, 2014. Following discussion, Member Buehler made a motion, seconded by Member Husmann, as follows:

MOTION TO ACCEPT THE LETTER OF RESIGNATION FROM OFFICER KATHRYN LOKEN OF THE LA CRESCENT POLICE DEPARTMENT EFFECTIVE MAY 26, 2014.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.11 – POLICE CHIEF HIRING PROCESS REVIEWED

City Administrator Waller gave an overview to City Council regarding changing the minimum requirements for the position of Police Chief. The minimum requirements for the position currently require a bachelor's degree in criminal justice, sociology, or other relevant field, or equivalent of 15 years of experience in a law enforcement position. It is proposed that be changed to a bachelor's degree in criminal justice, police science, sociology, or other relevant field, and 5 years of experience in a law enforcement position; or an associate's degree in criminal justice, and 10 years of experience in a law enforcement position; with preference given to candidates with previous supervisory experience. It was recommended to Council to adopt the proposed recommendation. Discussion was held regarding both degrees having 10 years of experience. After further discussion, Member Husmann made a motion, seconded by Member Williams, as follows:

MOTION TO AMEND THE JOB DESCRIPTION FOR LA CRESCENT POLICE CHIEF TO REQUIRE A MINIMUM OF A BACHELOR'S DEGREE IN CRIMINAL JUSTICE, POLICE SCIENCE, SOCIOLOGY, OR OTHER RELEVANT FIELD, AND 10 YEARS OF EXPERIENCE IN A LAW ENFORCEMENT POSITION; OR AN ASSOCIATE'S DEGREE IN CRIMINAL JUSTICE, AND 10 YEARS OF EXPERIENCE IN A LAW ENFORCEMENT POSITION; WITH PREFERENCE GIVEN TO CANDIDATES WITH PREVIOUS SUPERVISORY EXPERIENCE.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

At the June 9, 2014 City Council Meeting a revised schedule for proceeding with the hiring process of Police Chief will be presented.

ITEM 3.12 – STREET MAINTENANCE – 2015 STREET PROJECT

City Administrator Waller gave an overview to City Council regarding the proposal from Mathy Construction to install a 1½ “ overlay on the parking section on Oak Street in front of the Elementary School at a cost of \$6,945. This is a very short term solution, and may only last one year. There are funds in the 2014 general fund budget for this expenditure. In 2015 the City is proposing to construct Oak Street, from South 14th Street to South 6th Street. The area between South 4th and South 6th is proposed to be delayed until a decision is made regarding the location of the Elementary School. With the proposed Oak Street commercial development, the City Council should consider expending the 2015 Oak Street project to include the portion of Oak Street that will provide access to the development. It is also proposed that the 2014 Oak Street project be expanded to include the one block section between South 1st Street and South 2nd Street. Following discussion, Member Williams made a motion, seconded by Member Husmann, as follows:

MOTION TO AUTHORIZE THE EXPENDITURE OF \$6,945 TO HAVE MATHY CONSTRUCTION INSTALL A 1½ “ OVERLAY ON THE PARKING SECTION ON OAK STREET IN FRONT OF THE ELEMENTARY SCHOOL WITH FUNDS FROM THE 2014 GENERAL FUND BUDGET AND TO EXPAND THE 2015 OAK STREET PROJECT TO INCLUDE THE PORTION OF OAK STREET THAT WILL PROVIDE ACCESS TO THE PROPOSED COMMERCIAL DEVELOPMENT, PLUS THE ONE BLOCK SECTION BETWEEN SOUTH 1ST STREET AND SOUTH 2ND STREET.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.13 – AUTHORIZE CAPITAL EQUIPMENT ACQUISITION

The 2013 Capital Equipment Certificate included \$6,500 for the purchase of a new paint sprayer that is used in the maintenance department. This will replace a 1992 model paint sprayer. The City received a bid from Sherwin Williams in the amount of \$5,948.45 and a bid from EF Anderson in the amount of \$7,453.45. It is recommended to Council to accept the proposal from Sherwin Williams and to authorize the expenditure. Following discussion, Member Buehler made a motion, seconded by Member Graf, as follows:

MOTION TO ACCEPT THE BID FROM SHERWIN WILLIAMS IN THE AMOUNT OF \$5,948.45 FOR THE PURCHASE OF A NEW PAINT SPRAYER TO BE USED IN THE MAINTENANCE DEPARTMENT AND TO AUTHORIZE THE EXPENDITURE.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.14 – GRANT/FINANCIAL REVIEW

At the request of City Council Member Greg Husmann, City Council reviewed a summary of the grants that the City of La Crescent has received from 1992 to the present; a summary of the general fund budget; the general fund balance for the past 20 years; and the City's bond ratings. No action taken.

ITEM 3.15 – MnDOT LANDSCAPE PARTNERSHIP RESOLUTION

City Council reviewed a Resolution in support of the MnDOT Landscape Partnership Program. The City of La Crescent has participated in this grant program for the past four years. The program pays for trees, plants and landscaping materials that are installed in MnDOT right-of-way. The proposed project being developed for the fall of 2014 will involve improvements to the northwest and southwest corners of the new highway intersection. Following discussion, Member Husmann introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 05-14-11

RESOLUTION APPROVING CITY OF LA CRESCENT ENTER INTO MNDOT AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION

IT IS RESOLVED that the City of La Crescent enter into an Agreement with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the City for the acquisition of landscape materials to be placed adjacent to the intersection with Trunk Highway No. 61 near the intersection with South Third Street, State Project No., pending.

IT IS FURTHER RESOLVED that the Mayor and the City Administrator are authorized to execute the Agreement and any amendments to the Agreement.

ADOPTED this 27th day of May, 2014.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member Graf and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

ITEM 3.16 – REVIEW PERSONNEL COMMITTEE RECOMMENDATION

At the request of City Council Member John Graf, City Council reviewed the Personnel Committee recommendation that was presented at the April 28 City Council Meeting. At the May 12th City Council meeting, Member Graf made comments that he had been lied to. Council reviewed the Rules for the La Crescent City Council. Member Graf apologized to Member Husmann, with apology accepted. No action taken.

ITEM 3.17 – AUTHORIZE SALE OF EQUIPMENT

It was recommended to City Council to authorize the sale of the following pieces of equipment:

- 1991 plow truck and sander
- 1996 one-ton pickup
- 1997 pickup
- Military surplus generator

It was suggested that the items be sold at an auction conducted by Zenke Auction on June 5, 2014. There would be a 7% commission paid on the sale price. Following discussion, Member Graf made a motion, seconded by Member Husmann, as follows:

MOTION TO AUTHORIZE THE SALE OF THE FOLLOWING: 1991 PLOW TRUCK AND SANDER; 1996 ONE-TON PICKUP; 1997 PICKUP; AND MILITARY SURPLUS GENERATOR; WITH ITEMS TO BE SOLD AT AN AUCTION CONDUCTED BY ZENKE AUCTION ON JUNE 5, 2014 WITH A 7% COMMISSION PAID ON THE SALE PRICE.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 6.1 – STAFF CORRESPONDENCE/COMMITTEE UPDATES – FIRE COOPERATIVE MEETING MINUTES – MAY 20, 2014

Council reviewed the Minutes of the La Crescent Community Fire Cooperative held on May 20, 2014. No action taken.

ITEM 8 – CHAMBER OF COMMERCE

The La Crescent Chamber of Commerce gave an update Amazing Slice Relay and golf outing in July.

It was requested that review of park land transfer be included on the next meeting agenda.

There being no further business to come before the Council at this time, Member Husmann made a motion, seconded by Member Williams, to adjourn the meeting. Upon a roll call vote taken and tallied by the City Administrator, all Members voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the meeting duly adjourned at 6:36 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator